



# STATE OF IOWA

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DEPARTMENT OF HUMAN SERVICES  
EUGENE I. GESSOW, DIRECTOR

January 30, 2009

## GENERAL LETTER NO. 7-C-99

ISSUED BY: Bureau of Financial and Work Supports,  
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 7, Chapter C, *NONFINANCIAL ELIGIBILITY*,  
Contents (page 1), revised, and pages 1, 2, 12a, 12b, and 29 through 32, revised.

### Summary

This chapter is revised to:

- ◆ Change some references from "food stamps" to "Food Assistance."
- ◆ Remove references to reporting requirements other than simplified reporting.
- ◆ Change language under the sections, "Work Registration Process," and, "Changing From Exempt to MWR." This change is to reflect changes previously made to the application and recertification forms.

### Effective Date

February 1, 2009

### Material Superseded

Remove the Manual Letter 7-C-9, dated November 14, 2008, and the following pages from Employees' Manual, Title 7, Chapter C, and destroy them:

<u>Page</u>	<u>Date</u>
ML 7-C-9	November 14, 2008
Contents (page 1)	November 25, 2003
1	April 9, 2002
2	April 28, 1998
12a, 12b	November 25, 2003
29-32	December 17, 2004

### Additional Information

Refer questions about this general letter to your area income maintenance administrator.

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## **OVERVIEW**

This chapter contains information about the nonfinancial requirements a household must meet to be eligible for Food Assistance. Nonfinancial requirements are factors like age, work requirements, and where a person lives.

Also in this chapter, an explanation is given of who is included in a Food Assistance household (household concept) because the household concept is the basis for determining eligibility for the Food Assistance program.

## **HOUSEHOLD COMPOSITION**

The following sections explain policies on treatment of:

- ◆ [Mandatory household members \(spouses, parents, and children\)](#)
- ◆ [Nonmandatory members](#)
- ◆ [Ineligible household members](#)
- ◆ [Children under joint custody](#)
- ◆ [Elderly and disabled people](#)
- ◆ [Family-life homes](#)
- ◆ [Foster and pre-adoptive children](#)

### **Mandatory Household Members**

**Legal reference:** 7 CFR 273.1(b)(1)

People who live together and routinely buy and fix their food together must be in the same Food Assistance household. In addition, the following people who live together must be in the same Food Assistance household, even if they don't buy and fix their food together:

- ◆ Spouses.
- ◆ Parents and their children 21 years of age and under. (See [Parents and Children](#).)
- ◆ Children under 18 and any people having parental control over them.

### **Spouses**

**Legal reference:** 7 CFR 273.1(a)(2)

Eligible spouses living together must be in the same Food Assistance household. This includes both legal and common-law spouses.

### **Parents and Children**

**Legal reference:** 7 CFR 273.1(a)(2), 441 IAC 65.1(234)

Eligible parents living with their eligible children who are aged 21 and under must all be in the same Food Assistance household. Include a child age 21 and under in the parents' household even if the child:

- ◆ Routinely buys and fixes food separately from the parent **and**
- ◆ Is married and living with the spouse, **or**
- ◆ Is a parent with a child in the home.

The term "parent" includes legal, natural, and stepparent. Consider a man the natural father if he:

- ◆ Was married to the mother at the time of the child's conception or birth (unless the court has declared this man **not** to be the father), or
- ◆ Has been declared by the court to be the father, even though not married to the mother at the time of the child's conception or birth, or
- ◆ Claims to be the father, **unless** the child already has another legal father as described above.

For Food Assistance purposes, the stepparent relationship ends with the death or divorce of the parent.

Mr. V lives with his son Hank, 25, his daughter Wendy, 23, his son Mark, 19, and Mark's wife Nancy. Because of their conflicting schedules, all buy and fix their food separately. Hank and Wendy can each be a separate Food Assistance household. However, Mr. V, Mark, and Nancy must be in the same household, because Mark is not over age 21, and Nancy is Mark's spouse.

However, you can do a claim if changes in income, deductions, or household size were required to be reported and would have affected the **benefit** level.

If the household committed a fraudulent act to obtain FIP, SSI, or GA benefits, do **not** automatically assume that the household committed a fraudulent act to obtain Food Assistance. This must be proven through an intentional program violation hearing.

### **Categorically Eligible Reporting Requirements**

**Legal reference:** 441 IAC 65.5(4)

Do not require categorically eligible households to report any income changes after the household reports that their income exceeds its gross income limit and the household remains eligible for benefits. Take appropriate action on all reported changes.

### **Review of Categorical Eligibility**

**Legal reference:** 7 CFR 273.2(j)(2)

When a household reports a change in circumstances, review categorical eligibility policies to see if the household has either gained or lost categorical eligibility.

## **CITIZENSHIP AND ALIEN STATUS**

**Legal reference:** 7 CFR 273.2(b), 273.4(a)

Only the following people can get Food Assistance benefits:

- ◆ United States citizens,
- ◆ Non-citizen nationals of the United States, and
- ◆ Aliens who hold an immigration status as an “eligible alien” for Food Assistance purposes.

United States citizens are people born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, or the Virgin Islands. Non-citizen nationals are people born in American Samoa or the Swain Islands. Non-citizen nationals are the same as U.S. citizens for Food Assistance purposes.

**Note:** A person who has been convicted of a felony does lose certain rights of citizenship.

| However, these people are still considered to be citizens for the purposes of the Food Assistance program.

| See 7-I, [Who Is An Eligible Alien](#), for who is an “eligible alien” for Food Assistance purposes. Also see 7-I, [Documentation of United States Citizenship by Birth](#) and [Documentation of Acquired Citizenship](#), for listings of the kind of documents that can be used as evidence of citizenship.

- ◆ A regular participant in a drug addiction or alcoholic treatment rehabilitation program if the center is certified by the Iowa Department of Public Health, Division of Substance Abuse. Participation can be either as a resident of the center or on an outpatient basis.
- ◆ An applicant for both SSI and Food Assistance who filed a joint application at the Social Security office. If the person filed for SSI, but applied for Food Assistance separately at DHS, do not use this exemption. Instead, determine if the exemption for “physically or mentally unfit for work” applies.

This exemption continues while the person is waiting for a decision about SSI eligibility. “Waiting for a decision” includes the period of time during which a person is appealing a denial of the SSI application.

If the person becomes eligible for SSI, the exemption continues as long as the person continues to be eligible for SSI. If the Social Security Administration finds that person is **not** eligible for SSI, the exemption ends.

A person who is found ineligible for SSI still may be exempt from work registration under the exemption for being “physically or mentally unfit for work.” Determine if the person meets this exemption or a different exemption status within two months of notification of ineligibility for SSI.

## **Work Registration Process**

**Legal reference:** 7 CFR 273.7(c)

At application or recertification, all mandatory worker registrants (MWRs) in the household must agree to register for work. By signing the application or recertification form, they are considered to be registered for work.

When a household has one or more members who are MWRs, give or mail to the person who is interviewed one copy of form 470-2255 or 470-2255(S), *Food Assistance Work Rules*, for each MWR in the household. Keep copies of the forms in the case file to document that one was given to each MRW. When a person is determined to be an MWR, see 7-M, [FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM](#).

All MWRs must also have their FSET participation status determined, even if the county they live in does not currently have FSET. Enter the appropriate MWR/FSET code on ABC for each household member. See 14-B-Appendix, [TD03 FSET](#), for work registration or referral codes. MWRs may also be subject to the ABAWD work requirements. See 7-I, [Able-Bodied Adults Without Dependents \(ABAWDs\)](#).

Also, explain to the person who attends the interview:

- ◆ What work requirements are,
- ◆ The rights and responsibilities of MWRs, and
- ◆ The penalties for failing to comply with work requirements.

The work registration status of a household member may change during the certification period. When a change is reported that may affect mandatory work registration status of a household member, see the policies [Changing From Exempt to MWR](#) and [Changing From MWR to Exempt](#). These policies provide the process to change the mandatory work registration status of certified household members.

See [Changing From Exempt to MWR](#) for the process to register new MWR members who join certified households.

### **Changing From Exempt to MWR**

**Legal reference:** CFR 273.7(b)

When a household reports a change in circumstances that results in a member losing an exemption from mandatory work registration, mail or give form 470-2255 or 470-2255(S), *Food Assistance Work Rules*, right away to the person who lost the exemption. Also issue the form to any new member joining the household.

Make the system entry to show the person's mandatory work registration status.



### **Changing From MWR to Exempt**

**Legal reference:** 441 IAC 65.28(5)

A change in circumstances can cause a person to become exempt from work registration during the household's certification period. When a change is reported that indicates a person has become exempt, give the household ten days to verify the circumstances, if necessary.

If verification **is** necessary to allow the exemption, keep the person coded on the system as an MWR until the verification is returned. Make the system entries to show the person's exempt status when you receive the verification.

Do not cancel a person for the sole reason that the person fails to verify an exemption from work registration. If this happens, keep the person coded as an MWR on the system until you receive verification. If a work requirement violation happens while the person is coded as an MWR, be sure to give the person another opportunity to verify the claimed exemption, if necessary to avoid disqualification.

If verification is **not** necessary in order to allow the exemption, make the system entry right away to change the person to exempt.

## **Work Requirements for MWRs**

**Legal reference:** 7 CFR 273.7(a), 441 IAC 65.28(6), 65.27(234)

Unless they have good cause to not do so, to be eligible for Food Assistance benefits, MWRs must:

- ◆ Agree to register for work with the Iowa Workforce Development (IWD).
- ◆ Give information about their employment status or availability for work when asked to do so by the Food Assistance office or its designee.
- ◆ Accept a bona fide offer of suitable employment. See the policy [Determining if Employment Is Suitable](#) for what is considered to be suitable employment.
- ◆ Not voluntarily quit a job that provides at least 30 hours of work weekly. See the policy [Voluntary Quit](#) to determine if a job loss is a voluntary quit.
- ◆ Work at least 30 hours a week if their employer offers at least 30 hours a week. See the policy [Reduction in Work Effort](#) to determine if a reduction in work effort has happened.
- ◆ Comply with unemployment insurance benefit (UIB) requirements that are comparable to those in the Food Stamp Employment and Training Program (FSET).
- ◆ Participate when assigned to an FSET program. IWD provides notification to the IM worker when an MWR fail to participate.
- ◆ Report to an employer when they are referred by Iowa Workforce Development.